

## **REMARKS**

In the Office Action mailed January 14, 2004, the Examiner indicated that he did not find Applicants' arguments in the October 23, 2003 Response to be persuasive and substantially repeated the rejections from the December 4, 2002 Office Action. On March 9, 2004, a telephonic interview was conducted. The Applicants' record of the substance of the interview is provided as follows.

### **Substance of the Interview Conducted on March 9, 2004**

Participants of the interview included Examiner Opsasnick, Applicants Brent Townshend and Jared Bernstein, and Applicants' representatives Matthew Sampson and Lisa Schoedel. No exhibits were shown nor demonstrations conducted. The participants discussed Claim 1 as well as U.S. Patent 5,634,086. Further, the participants discussed the use of a human listener who does not know a text of the items a speaker repeated and who prepares a transcription of what was heard, and an automatic comparison of the items to a transcription as proposed claim amendments. The participants were not aware of prior art in which the combination of human listeners preparing a transcription and an automatic comparison of items to the transcription is used to measure intelligibility. As a result of the interview, an agreement with respect to the claims was reached.

### **Description of Claim Amendments**

In accordance with the interview, Applicants have amended claims 1, 11, 21, 24, and 36 to clarify that the listener is a human listener that does not know a text of the items repeated by a speaker prior to hearing the speaker repeating the items, the listener creates

a transcription of what the listener heard, and the items and the transcription are automatically compared. Claim 45 was added to claim a human transcriber that is distinct from the human listener. Claim 4 has been amended to change its dependency from claim 3 to claim 1. Claim 6 has been also amended for antecedent basis purposes. No new matter has been added. Additionally, Applicants have canceled claims 3 and 30.

Applicants submit that that claims 1-2, 4-24, 26, 28-29, 32-38, and 40-45 are in condition for allowance. Therefore, Applicants request that the Examiner enter this amendment and issue a Notice of Allowance.

### **CONCLUSION**

In light of the above amendments and remarks, Applicants submit that the present application is in condition for allowance and respectfully request notice to this effect. The Examiner is requested to contact Applicants' representative below if any questions arise or if she may be of assistance to the Examiner.

Respectfully submitted,

**Ordinate Corporation**

Date: April 14, 2004

By:



Lisa M. Schoedel

Reg. No. 53,564

McDonnell Boehnen Hulbert & Berghoff

300 South Wacker Drive

Chicago, Illinois 60606-6709

312 935 2362

schoedel@mbhb.com